

Message Text

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PAGE 01 GENEVA 00128 111516Z
ACTION L-03

INFO OCT-01 ISO-00 DHA-02 ORM-02 AF-08 SS-15 PRS-01 SCA-01
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FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 4470

C O N F I D E N T I A L GENEVA 0128

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FOR SCHWEBEL AND WILSON

E.O. 11652: GDS
TAGS: SREF, UNHCR
SUBJECT: DRAFT CONVENTION ON TERRITORIAL ASYLUM

REF: STATE 005400

1. USDEL CONSIDERS PROPOSED RESPONSE TO INS CHARACTERISTICALLY
EXCELLENT. FOLLOWING ARE SPECIFIC COMMENTS ON REFTEL.

2. LAS PARA OF NUMBERED PARA 2, CONTAINING INS MEMORANDUM,
REFERS TO "WORSHIP IN THE PLACE OF THEIR CHOICE". THIS MAY HAVE
BEEN INTENDED TO MEAN "WORSHIP IN THE FAITH OF THEIR CHOICE".
"PLACE OF THEIR CHOICE" IS INACCURATE STATEMENT OF PROBLEM. IT
IS NOT THAT THE PERSECUTEE MUST GO TO A CHURCH IN A DIFFERENT
LOCATION, BUT THAT HE MAY NOT GO TO CHURCH AT ALL, THAT ESTABLISHES
THE FACT OF PERSECUTION.

3. IN THIRD PARA OF NUMBERED PARA 4, DELETE "WITH THE CLEAR-
ANCE OF INS AND" SINCE THE INS CLEARANCE IN SUBSTANCE WAS BASED
ON THE INS MEMORANDUM OF DECEMBER 22, 1976. THE TEXT OF THE
CABLE WAS NOT TRANSMITTED TO INS FOR CLEARANCE.

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4. LAST PARA OF NUMBERED PARA 4: USDEL FULLY AGREEABLE TO
MAKING THE STATEMENT IN THIS PARAGRAPH. DELEGATION ASSUMES,
HOWEVER, THAT THIS STATEMENT IS IN ADDITION TO THE STATEMENT
UNDER ARTICLES 3 AND 4 WHICH IS PROVIDED FOR IN THE POSITION
PAPER. THIS STATEMENT, WHICH WAS SUBMITTED TO INS AND CHANGED
IN ACCORDANCE WITH ITS COMMENTS, RELATES TO A DIFFERENT POINT;

I.E., THE PROCEDURES BY WHICH THE INS WILL MEET THE U.S. OBLIGATION TO ADMIT. INS APPREHENSIONS MIGHT BE LESS IF IT WAS REASSURED THAT THE ARTICLE 3 AND 4 STATEMENT WILL ALSO BE MADE. THIS MIGHT BE DONE IN A FINAL PARAGRAPH OF THE DEPARTMENT'S RESPONSE TO INS AS FOLLOWS: "THIS STATEMENT WOULD, OF COURSE, BE ADDITIONAL TO THE STATEMENT ON THE IMPLEMENTATION OF ARTICLES 3 AND 4 PROVIDED FOR IN THE POSITION PAPER, WHICH CONTAINS THE CHANGES PROPOSED BY THE INS."

5. WITH RESPECT TO NUMBERED PARA 5, USDEL IS COMPLYING WITH ITS POSITION PAPER AND THE INSTRUCTIONS GIVEN IN STATE 313346 AND WILL CONTINUE TO DO SO IN ABSENCE OF CONTRARY INSTRUCTIONS. FOR INS TO BE ALLOWED TO CHANGE ITS MIND AT THIS LATE STAGE AND TO CHANGE U.S. POSITION WOULD BE HIGHLY UNPRODUCTIVE FOR THE CONFERENCE, AND A SOURCE OF CONSIDERABLE EMBARRASSMENT TO THE USG, SINCE IT HAS TRANSMITTED ITS POSITION TO 14 GOVERNMENTS AND THE UNHCR. MOST GOVERNMENTS HAVE INFORMED THE MISSION THAT THE U.S. POSITION HAS BEEN TRANSMITTED TO THEIR CAPITALS; ONE (JAPAN) HAS ALREADY INFORMED US THAT ITS GOVERNMENT CONSIDERS OUR ARTICLES 3 AND 4 TO BE A HIGHLY CONSTRUCTIVE CONTRIBUTION. THE CHANGE IN THE U.S. POSITION WOULD ALSO BE AN EMBARRASSMENT TO THE U.S. MISSION, WHICH, ON INSTRUCTIONS, TRANSMITTED THE U.S. POSITION TO GOVERNMENTS AND UNHCR CATTO

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Message Attributes

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